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W.A.Nos.26 & 30 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.Nos.26 & 30 of 2025

The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Near Vivekananda House
Ayothya Nagar, Triplicane
Chennai, Tamil Nadu 600 005 .. Appellant in both WAs

v.

1. G.Parvathy
2. K.Amutha alias Amuthavalli
3. The District Registrar
Office of the District Registrar
Office of the SRO, Sembiam
Rajaji Street, JCK Nagar
Hanumanthai
Tamil Nadu 603 001 ..
4. The Sub Registrar of Sembiam
Office of the Sub Registrar Sembiam
No.340, Paper Mills Road



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Jagannathan Colony
Perambur, Chennai 600 011

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5. G.Gangadharan alias Gangadurai
6. V.Sakunthala
7. G.Devi
8. Mrs.Chandrakala .. Respondents in W.A.No.26/2025

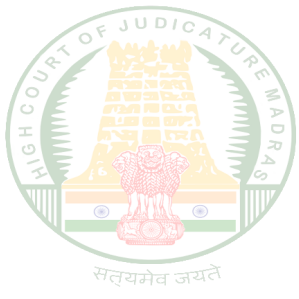
1. G.Parvathy
2. K.Amutha alias Amuthavalli
3. G.Gangadharan alias Gangadurai
4. V.Sakunthala .. Respondents in W.A.No.30/2025

Memorandum of Grounds of Writ Appeals filed under Clause 15 of the Letters Patent against the common order dated 24.06.2024 passed in W.P.Nos.3209 of 2022 & 23304 of 2021, respectively.

For Appellant :: Mrs.G.Thilagavathy
Senior Counsel for Mr.B.Balaji

For Respondents :: No appearance for R1, R3 & R4
Mr.Md.Arshadullah Shariff for
Mrs.S.Ambigai for R2
Mr.L.Chandrakumar for R5 to R7
Mr.B.Gopalakrishnan for R8
in W.A.No.26 of 2025

No appearance for R1
Mr.Md.Arshadullah Shariff for
Mrs.S.Ambigai for R2
Mr.L.Chandrakumar for R3 & R4
in W.A.No.30 of 2025



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COMMON JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM,J.)

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The intra-Court appeals on hand have been instituted by the Tamil Nadu Slum Clearance Board (presently Tamil Nadu Urban Habitat Development Board) against the impugned order dated 24.06.2024 passed in W.P.Nos.3209 of 2022 & 23304 of 2021, respectively.

2. It is not in dispute that Plot Nos.48 and 54 situated at Red Hills Road, Makaram Thottam, Kolathur, Chennai were allotted in favour of Mr.G.Gangadharan. Plot Nos.49 & 53 situated in the same place were proposed to be allotted to one Mrs.V.Sakunthala. Further it is not in dispute that Mr.G.Gangadharan paid the land cost for Plot Nos.48 & 54 and got the sale deeds executed from the hands of the appellant-Board. As far as Mrs.V.Sakunthala is concerned, she is neither an allottee nor the holder of any sale deed concerning Plot Nos.49 & 53.

3. Admittedly, one of the conditions imposed in the sale deed granted in favour of the allottee Mr.Gangadharan shows that the plots allotted at



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concessional rate by the Board shall not be alienated to any third party for a period of ten years. In the event of violation of any of the allotment conditions, the Board is empowered to cancel the allotment and the sale deed and take over possession of the plots allotted to the allottees. Agreeing to the said conditions, Mr.Gangadharan-allottee paid the land cost and secured the sale deed in his favour. The same is not the case in respect of Mrs.V.Sakunthala, as she was neither an allottee nor any sale deed came to be executed in her favour.

4. With the above background, a dispute arose on account of alienation and settlement of the subject plots in favour of the family members and/or to third parties.

5. Pertinently, Mrs.G.Parvathy, mother of Mr.Gangadharan and Mrs.K.Amutha @ Amuthavalli, sister of Mr.Gangadharan filed W.P.No.23304 of 2021 seeking allotment of the four plots, namely, Plot Nos.48, 49, 53 & 54 to the legal heirs of late Mr.Govindan. The other writ petition in W.P.No.3209 of 2022 was filed for a further relief to cancel the



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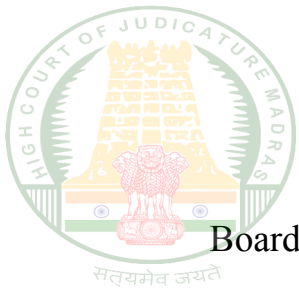
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sale deeds and settlement deeds. Both the writ petitions were taken up together and the issues were adjudicated by the writ Court.

6. There is no dispute between the parties regarding the relationship and the sale deeds concerning a portion of the plots in favour of third parties. The appellant found that the alienation and sale of property were done in violation of the conditions stipulated in the allotment order and the sale deed executed in favour of Mr.Gangadharan. Since actions are initiated, the writ petitions came to be instituted.

7. The learned counsel appearing for respondents 5 to 7 Mr.L.Chandrakumar in W.A.No.26 of 2025 would submit that the appellant Board issued a circular dated 12.01.2022 relaxing the condition that the allottees can sell their plots without waiting for the ten years check period contemplated under the allotment conditions and the sale deed. Therefore, there is no impediment to alienate the property and thus the writ appeal is to be rejected.

8. The learned Senior Counsel appearing on behalf of the appellant-



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Board Mrs.G.Thilagavathy would oppose by stating that the circular will have prospective effect so as to delete the said condition from the sale deeds to be executed from the date of issuance of circular and more so, the circular was issued granting the benefit only in respect of low value plots allotted to the beneficiaries.

9. This Court has perused the circular dated 12.01.2022 and it is amply clear that the circular will have only prospective effect and cannot be applied retrospectively so as to save the alienations already done in violation of the conditions stipulated under the allotment order or the sale deed, as the case may be. Once conditions have been incorporated in the allotment order and agreed between the parties, the same are binding. The circular also reveals that the condition relating to alienation may not be incorporated in future allotment orders and that being the position, the arguments as advanced on behalf of the contesting respondents so as to validate the alienations, deserve no merit consideration.



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10. Alienations of properties are not in dispute between the parties.

Settlement deeds executed in favour of family members are also not disputed. The learned single Judge has elaborately considered the nature of settlement deeds and sale deeds executed in favour of third parties, which deserves no further adjudication. The settlement deed reveals that it was executed based on the presumption that the family inherited right from Mr.Govindan, but the fact remains that Mr.Govindan is not even an allottee.

11. The transaction between the private respondents would reveal that without any right for alienation, the settlement deeds and sale deeds in favour of third parties were executed. The alienations are not protected under the circular dated 12.01.2022. Therefore, the reliefs granted by the writ Court in paragraph 18(i) and (ii) are in consonance with the conditions stipulated in the allotment order and the sale deed executed by the appellant Board. As far as the relief granted in paragraph 18(iii) directing the appellant Board to allot the Plot Nos.49 & 53 and execute the sale deeds in favour of Mrs.V.Sakunthala is concerned, this Court is of the considered opinion that Mrs.V.Sakunthala has not derived any right from the Board,



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since she is neither an allottee nor any sale deed was executed in her favour.

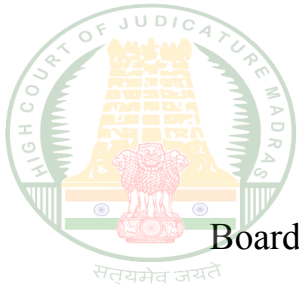
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When Mrs.V.Sakunthala was neither an allottee nor paid the land cost during the relevant point of time, the direction issued by the writ Court against the appellant Board to execute the sale deed in favour of Mrs.V.Sakunthala is infirm and running counter to the facts and the conditions stipulated under the scheme. Therefore, the appellant Board is entitled to succeed as far as paragraph 18(iii) of the impugned writ Court order is concerned.

12. In view of the above facts and discussions, this Court, while confirming the reliefs granted by the writ Court in paragraph 18(i) and (ii) of the order impugned, is inclined to set aside the direction issued in paragraph 18(iii) alone, which reads as under:-

“(iii) the first respondent is directed to allot the Plot Nos.49 & 53 and execute the sale deeds in favour of the fifth respondent herein, on payment of necessary cost, if not already paid, within a period of two weeks from the date of receipt of a copy of this order.”

It is needless to state that since the rights of allottees have been determined, all subsequent alienations/actions became illegal and therefore the appellant



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Board is empowered to resume the properties by following the due process.

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C.M.P.Nos.171 & 198 of 2025 are closed. No costs.

Index : yes

(S.M.S.,J.) (K.R.S.,J.)

Neutral citation : yes

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SS

To

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